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Pierre Joseph v. Hess Oil VI Corp

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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

December 8, 2011

#ECO-019

No. 11-8026

Pierre P. Joseph

v.

Hess Oil Virgin Islands Corp., Petitioner

(V.I. S. Ct. Civil No. 2009-00054)

Present: McKEE, Chief Judge, FUENTES and SMITH, Circuit Judges

1. Motion by Petitioner to Revise or Withdraw Precedential, One-Judge Opinion on Motion for Extension of Time;
2. Declaration of Roy T. Englert, Jr., Esq. in Support of Motion to Revise or Withdraw Precedential, One-Judge Opinion on Motion for Extension of Time;
3. Amicus Brief by the Bar Association of the Third Federal Circuit in Support of Petitioner.

Respectfully,
Clerk/nmr

ORDER

The foregoing Motion to Withdraw the Opinion is DENIED. The Motion to Amend the Opinion is GRANTED. The precedential opinion in *Joseph v. Hess Oil Virgin Islands Corp.*, No. 11-8026, which is reprinted in 651 F.3d 348 (3d Cir. 2011), is AMENDED as follows:

1. The first sentence in section II.B. of the opinion, which appears on page 20 of the slip opinion and at 651 F.3d at 356 in the right hand column, is amended as set forth below adding the underlined text.

In light of the foregoing, I conclude that a petitioner seeking an extension under LAR 112.4(a) usually must demonstrate a need for more time based on an event or cause beyond the control of counsel or the petitioner.

2. At the end of the first paragraph in section II.B. of the opinion after the phrase “and not the rule.” and before the next paragraph which states “HOVIC has not demonstrated. . .”, the following footnote shall be added:

This discussion of good cause governs only motions to extend the time for filing a petition for certiorari under Third Circuit LAR 112.4(a). It does not address the standard applicable to a motion for an extension of time to file a notice of appeal.

By the Court,

/s/ D. Brooks Smith
Circuit Judge

Dated: October 10, 2012

NMR/cc: Donna M. Doblick, Esq.
Peter Goldberger, Esq.
James C. Martin, Esq.
Lee J. Rohn, Esq.